

**EXHIBIT H**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

CAROLYN MITCHELL,  
Plaintiff,  
vs.  
ANCHORAGE POLICE DEPARTMENT and  
the MUNICIPALITY OF ANCHORAGE, a  
municipal corporation, WALTER  
MONEGAN, OFFICER HENIKMAN, and  
OFFICER J. VOSS,  
Defendants.

Case No. A05-273 CV (JWS)

VIDEOTAPE DEPOSITION OF OFFICER JUSTIN C. VOSS

**APPEARANCES:**

**FOR THE PLAINTIFF:** MR. MOSHE CALBERG ZOREA  
MR. ISAAC D. ZOREA  
Attorney at Law  
7540 East 17th Avenue  
Anchorage, Alaska 99504  
(907) 337-7741

**FOR THE DEFENDANTS:** MS. JOYCE WEAVER JOHNSON  
Assistant Municipal Attorney  
632 West 6th Avenue, Suite 730  
Anchorage, Alaska 99501  
(907) 343-4545

**ALSO PRESENT:** MS. CAROLYN MITCHELL

\* \* \* \* \*

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ANCHORAGE, ALASKA 99501

1 A The first time that I ever recall contact- --  
2 contacting Ms. Mitchell was reference a reported bank  
3 robbery at the Sears Mall.

4 Q Okay. And what behavior on her part did you observe?

5 A I recall that dispatch gave a locate for -- or gave a  
6 description of a pos- -- of the suspect. I recall that  
7 I was with Officer Henikman, that we set up on one of  
8 the entrances which is on -- pardon me -- the west side  
9 of Sears but the eastern end of the mall, and on the  
10 south side of the building. And that we were there and  
11 that Ms. Mitchell came out and I saw that she matched  
12 the description of the suspect. We detained her, and a  
13 show up was performed.

14 Q What part of the description did she match?

15 A I remember they said she was a heavy set black female  
16 wearing blue with sunglasses and bags under her arms.

17 Q Is that your recollection of what she was wearing?

18 A That is the recollection of the description that was  
19 given and what she matched. What about her description  
20 matched that.

21 Q So your recollection is she was wearing blue?

22 A Um-hum. (Affirmative)

23 Q What part of her was wearing blue?

24 A She had -- I think it was a University of North  
25 Carolina like jump suit, sweat suit on with a -- she

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1 had a blue shirt underneath that.

2 Q Okay. When you first observed her was there anything  
3 out of -- out of whack about how she was acting?

4 A Can you define out of whack?

5 Q Well, you've testified as to the basis for a tarry  
6 stop.

7 A Um-hum.

8 Q You said that certain things could happen which would  
9 give you a basis to engage in a tarry stop.

10 A Um-hum.

11 Q So the question is what, if anything, did Ms. Mitchell  
12 do that made you believe that you could stop her?

13 A Are you asking about the situation as a whole or just  
14 specifically about her actions?

15 Q Just her actions?

16 A Just her actions?

17 Q Yes.

18 A The only action that she took that I can recall that  
19 led to the reasonable suspicion was that she was  
20 walking out or exiting the Sears Mall. That's the only  
21 action that she had taken.

22 Q Okay. So looking at the definition you gave of what  
23 you had to do in order to do a tarry stop, isn't it  
24 fair to say there wasn't any behavior that would  
25 trigger that?

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1 MS. JOHNSON: I'm going to object to  
2 argumentative questions and mischaracterizing prior testimony.

3 Q That's fine. She can object. Go ahead.

4 A You're asking specifically about her actions, but what  
5 I defined earlier.....

6 Q You -- you defined -- right. You defined earlier what  
7 would give rise to a tarry stop and then you said what  
8 she did. And I'm asking you if what she did matched  
9 the requirements of making a tarry stop. Yes? No?

10 A Well, that's not a yes or no question.

11 Q Oh, it isn't?

12 A No, I don't think so.

13 Q Okay. How is it not?

14 A How is it not is earlier I described that an individual  
15 fitting within a context, either something did not  
16 match with that context or something did match with  
17 that context, was specifically stated about the context  
18 of a given situation. And her actions are one of many  
19 different things that could be a suspect or  
20 individual's actions, or one of a multitude of things  
21 that could have contexted reasonable suspicion. Just  
22 their appearance and walking out of a certain location,  
23 given that there was a bank robbery reported only  
24 minutes before that and their appearance and their  
25 distance from that location both matched with what the

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1 reported crime had been. That's easily reasonable  
2 suspicion. Even though all of her specific actions  
3 were -- the clothing that she had picked to wear that  
4 day and that she had been walking out of a specific  
5 exit, that's not the only thing that lends to  
6 reasonable suspicion. It was her appearance matched  
7 the description that was given. There was a certain  
8 time lapse and she was a certain distance from the  
9 reported location.

10 Q Were you able to observe that she was directed out the  
11 door that you observed her come out of by officers of  
12 the Anchorage Police Department?

13 A I don't know if that happened or not, no.

14 Q You don't know? You couldn't see that they were saying  
15 go out this door?

16 A I don't recall if that was happening or not.

17 Q Okay. If it was, would that raise a clue in your mind  
18 that maybe she had passed the threshold test as are as  
19 your colleagues were concerned?

20 MS. JOHNSON: Objection, foundation.  
21 Speculation.

22 Q You don't know? You paid no attention to whether  
23 someone had directed her to go outside?

24 A I -- I can't see inside the -- from where we were I  
25 couldn't see inside the mall.

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1 Q Okay.

2 A So how would I.....

3 Q So where were you -- where were you in relation to the  
4 door that you said you observed her come out of?

5 A We were positioned south side of the mall, Sears comes  
6 out like that and there's like garage doors here. We  
7 were close to the southwest corner of the garage door  
8 part of Sears.

9 Q Okay. But were you able to see her come out the door?

10 A That's correct.

11 Q Okay. But you say you couldn't not see beyond her  
12 through the glass doors?

13 A Into the mall, no. I don't recall being able to see  
14 into the mall.

15 Q Okay. Then what happened after you saw her? What  
16 actions did you take?

17 A I recall that we both saw her, that we both thought  
18 that she matched the description.

19 Q You were speculating, of course, right?

20 MS. JOHNSON: Objection, argumentative.

21 Q Were you speculating or do you have a direct link to  
22 Officer Henikman's mind?

23 MS. JOHNSON: Objection, foundation,  
24 argumentative.

25 Q You -- you -- what's the basis for you saying we when

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ALASKA 00501

1 it's you, could you tell me?  
2 A I can. I'm just waiting for you to stop. I'm sorry.  
3 Q Yeah. Go ahead.  
4 A I keep -- I just keep getting interrupted.  
5 Q Okay.  
6 A Okay. I recall that we were both out of our vehicles  
7 and I -- I recall looking at him and saying I think  
8 that might be her, she matches the description or  
9 something to that effect. I remember him agreeing.  
10 Q Okay. So you had direct communication with Officer  
11 Henikman?  
12 A Correct.  
13 Q How far from Officer Henikman were you in distance?  
14 A I don't recall specifically.  
15 Q But close enough to be able to hear that kind of  
16 exchange?  
17 A Correct.  
18 Q Okay. Okay. So after that verbal interaction between  
19 yourself and Officer Henikman, what happened then?  
20 What did you do?  
21 A I recall that I held Ms. Mitchell at guard and that --  
22 I recall that we made verbal contact. I don't recall  
23 if I specifically gave her verbal instructions, or he  
24 did, or we both did. But I recall that verbal contact  
25 was made. That she was given instructions and that we

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ALASKA 00501



1 took her into custody.

2 Q Okay. And you pointed your gun at her?

3 A That's incorrect.

4 Q Oh, you did not point your gun at her?

5 A Correct.

6 Q If she was standing, seeing you, would she perceive  
7 that a firearm was pointed at her?

8 MS. JOHNSON: Is that a question?

9 MR. ZOREA: Yeah.

10 A Well, just like you -- I don't have a mental connection  
11 with Ms. Mitchell just like I don't have with  
12 Officer.....

13 Q What -- if you -- first, what firearm did you have?  
14 What was the firearm?

15 A I had a shot gun.

16 Q Okay. You had a shot gun. And how were you holding  
17 the shot gun?

18 A At a typical guard position which would be -- or what's  
19 -- I've also heard it call a low ready, which is  
20 pointed at the ground.

21 Q Did you point it at her hands?

22 A No. I -- no.

23 Q Did you observe Officer Henikman pointing at her hands?

24 A Point my shot gun at her?

25 Q Her hands being pointed at by his shot gun? You were

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1 right next to him, nearby.  
2 A I don't recall if he had a shot gun or not. I  
3 don't.....  
4 Q You don't recall if he had a shot gun?  
5 A No.  
6 Q What did he have if he didn't have a shot gun?  
7 A I don't know. I don't recall if he had -- there's  
8 several types of firearms that.....  
9 Q Okay.  
10 A .....we had.  
11 Q You don't -- you don't recall what kind of firearm he  
12 had but you do recall what he said about Ms. Mitchell,  
13 is that right?  
14 A Correct.  
15 Q Okay. And you testified just a minute ago that she was  
16 taken into custody.  
17 A Correct.  
18 Q Okay. Why was she taken into custody?  
19 A She was a certain distance away from the place where a  
20 crime had been reported, within an amount of time that  
21 was reasonable to believe that that distance had been  
22 traversed since the crime had been committed and she  
23 matched the description of the suspect that was given.  
24 Q Okay. So your training that you had in the academy and  
25 with the field officers afterwards for 54 shifts.....

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1 A Um-hum.

2 Q .....taught you that under those circumstances you take  
3 the person into custody?

4 A Correct.

5 Q Okay. Did they indicate to you that there was any  
6 criteria other than what you've testified to that was  
7 needed in order to take somebody into custody?

8 MS. JOHNSON: Objection, foundation.

9 Mischaracterizes the testimony.

10 Q Okay. Is there anything else that you were trained  
11 that was necessary in order to take someone into  
12 custody?

13 A I'm not sure if I understand the question.

14 Q Well, you've testified as to what preceded her being  
15 taken into custody and I'm asking whether that was --  
16 what you testified was done was all that was needed in  
17 order to take somebody into custody?

18 A I -- well, there's reasonable suspicion and I -- I've  
19 seen the levels of evidence describe those kind of  
20 straight line continuum where a preponderance of the  
21 evidence is 51 percent. Proof beyond a reasonable  
22 doubt is way up here like 95 percent maybe, or  
23 something to that effect. And reasonable suspicion is  
24 down here. And I think what you're asking is did the  
25 three things that I saw add up to that, or could there

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1 be other things that added up to reasonable suspicion?  
2 Is that what you're asking?

3 Q Is there anything else required other than that?

4 A Well, there's -- I mean there -- there's various  
5 multitude of different things that can equal reasonable  
6 suspicion but what I have described easily meets the  
7 level of reasonable suspicion. But it could be other  
8 things. Does it have to specifically be description,  
9 time from -- or time lapse since the incident occurred,  
10 and distance? It could be other things. But those  
11 three criteria and the situation easily met with the  
12 suspicion in my opinion.

13 Q Okay. And what does this reasonable suspicion that  
14 you're talking about result in as far as the person  
15 who's the object of your attention? What is the  
16 resulting happening to them at that moment?

17 A That they're detained.

18 Q Okay. What does detained mean? They're told to stay  
19 over there or what?

20 A Well, basically detention means that a person's right  
21 to move freely about is taken.

22 Q That's why you have the shot gun, is that right?

23 MS. JOHNSON: Objection, foundation.

24 Q Is that right? You've already testified you had the  
25 shot gun and you've got it there. And is it loaded?

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ALASKA 99501

1 A Correct.

2 Q And if someone were to leave after you've detained them  
3 you go bang-bang, right?

4 A Incorrect.

5 Q No? What would you do?

6 A That would be considered a foot chase at that point.

7 Q So actually the gun was irrelevant, is that right?

8 MS. JOHNSON: Objection, form.

9 Q I mean it'd be a foot chase. You'd be running after  
10 them but you're not going to shoot anybody, is that  
11 what you're saying?

12 A If at that point Ms. Mitchell had run and I had given  
13 chase on foot, I would not have shot her.

14 Q You would not.....

15 A Is that what you're asking?

16 Q Yes.

17 A Okay.

18 Q And you're saying you wouldn't shoot her, you just had  
19 the gun there and you'd run with the gun?

20 A For the action of running away, I don't think that that  
21 meets the level of lethal force.

22 Q I agree. Okay. Who was with Ms. Mitchell when she  
23 came out of the store?

24 A She was with a large group of people. They were all  
25 coming out of the mall at that time.

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1 Q Okay. And did they all just kind of stand around her  
2 while you were doing the detaining?

3 A They continued to move. I believe we gave them  
4 instructions to move away from where we were. To keep  
5 moving on.

6 Q Did you point the gun at them and tell them to move?

7 A No.

8 Q Okay. You just -- what'd you do, just say move aside  
9 or.....

10 A Yeah. Please keep moving, please get out of the way,  
11 or.....

12 Q Did they all move away from Ms. Mitchell?

13 A That I can recall. I don't recall specifically.

14 Q Is it possible that she might have had her young son  
15 with her?

16 A Um-hum. It's possible.

17 Q And is it possible that he may have wanted to stay next  
18 to his mother?

19 A That's possible. I don't know.

20 Q Do you remember?

21 A I remember him being there. I don't remember  
22 specifically what he said or.....

23 Q Okay. Was the description of the bank robber  
24 consistent with a mother and child?

25 MS. JOHNSON: Objection, form.

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- 1 Q Did they say watch out for mother and child leaving the  
2 store?
- 3 A The locate that was there had nothing to do -- didn't  
4 mention anything about a child or if the suspect was a  
5 mother.
- 6 Q Okay. But this suspect, Ms. Mitchell, had a child?
- 7 A Correct.
- 8 Q So what did that do to the reasonable suspicion index?
- 9 MS. JOHNSON: Objection, form.
- 10 A I don't think it effected it at all.
- 11 Q Okay. All right. So what happened? There you are.  
12 You're assisting Officer Henikman, I understand. And  
13 there is a young man there who you believe is -- or you  
14 agree is the son of Ms. Mitchell. What did you do?  
15 What did you do with the young man?
- 16 A I -- I can't recall specifically.
- 17 Q Did Ms. Mitchell make any acts that appeared to be  
18 threatening in any way?
- 19 A At what point?
- 20 Q Any point?
- 21 A I don't recall that she did, no.
- 22 Q Well, my understanding is that she comes out, the other  
23 people are dispersed away. Did that leave two people  
24 that were there left to deal with, Ms. Mitchell and her  
25 son?

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1 A I believe so.

2 Q And Ms. Mitchell had not made any threatening gestures?

3 A No.

4 Q Okay. So then what did you do, or what happened in  
5 your vision? What did you see happen?

6 A After what point. We're going -- going back and forth.  
7 I'm just not sure what.....

8 Q The people are -- the people are gone.

9 A Um-hum.

10 Q The only people there are Ms. Mitchell and her son.  
11 Well, then what happened?

12 A After she -- are you asking after she was taken into  
13 custody or.....

14 Q Well, no, no. Right --when they first came out, you  
15 spread those others away.

16 A Um-hum.

17 Q And there are left Ms. Mitchell and her son. So what  
18 actions did you or your cohort take at that point?

19 A At that point Officer Henikman and I gave verbal  
20 commands to Ms. Mitchell. I don't recall specifically  
21 what they were but most likely they were to keep her  
22 hands up and face away from us. Maybe put down any  
23 objects that she had. And then we took her into  
24 custody by placing hand cuffs on her and.....

25 Q Okay. So you've got it all kind of lumped together.

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1 Took her into custody. What does taking her into  
2 custody mean?

3 A Putting her in hand cuffs.

4 Q I see. So you approached her -- are you the one that  
5 put her in cuffs?

6 A I don't -- I don't recall specifically, but I don't  
7 think that I was.

8 Q Okay. Why? Because you wouldn't have done so?

9 A No. Because Officer Henikman is the one who after that  
10 continued the contact with her and so that to me, for  
11 the most part, says that Officer Henikman probably put  
12 her into hand cuffs. Probably pat searched her.  
13 Probably, you know, continued the contact with her.  
14 That's usually the sequence of events.

15 Q Okay. You say probably. Would there be a situation  
16 where a person would be put into hand cuffs without  
17 being pat searched?

18 A I would say that that's highly unlikely, but it could  
19 happen.

20 Q Okay. And the purpose of the pat search is what?

21 A To check for weapons or forms of escape.

22 Q Okay. So if he pat searched her, checked for weapons  
23 and doesn't find any, why would he need to hand cuff  
24 her?

25 A Hand cuffing would probably be the first thing that was

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1 done.

2 Q Oh, it was done before the checking for weapons?

3 A Correct.

4 Q Okay. So she was under arrest, bang, and then.....

5 MS. JOHNSON: Objection.

6 Q .....patted for weapons?

7 MS. JOHNSON: Foundation.

8 Q Is that right?

9 MS. JOHNSON: Misstates the testimony.

10 Q Okay. So the first thing he does is he walks up and  
11 hand cuffs her and then pats her, or pats her first?

12 A Like I said, I can't -- I can't specifically remember  
13 what Officer Henikman did.

14 Q Okay.

15 A I'm telling you that the natural or normal course of  
16 action through training is that somebody is placed in  
17 the hand cuffs and then they're pat searched. That's  
18 how we're trained in order to -- or, you know, what  
19 order to do that.

20 Q Okay. And yet Officer, you just testified that the  
21 reason you put them in cuffs is so that you can  
22 eliminate the threat of anything against you or anyone  
23 else, is that right?

24 MS. JOHNSON: Object to form.

25 Q Is that true?

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1 A That's not the only reason.

2 Q Well, what other reason would you have for hand cuffing

3 her?

4 A To prevent escape.

5 Q Escape? She couldn't run with hand cuffs on?

6 A Well, are you asking specifically about.....

7 Q I'm -- all my questions, Officer, please be -- so I --

8 I'm clear, they're all related to this lady on that day

9 at Sears. Every single one of them.....

10 A Okay.

11 Q .....related to that.

12 A You just keep saying hand cuff them, do this to them.

13 Q Yeah.

14 A Are you referring to.....

15 Q Because.....

16 A .....Ms. Mitchell specifically or.....

17 Q Well, I am. And.....

18 A All right.

19 Q Because you had indicated a particular procedure with

20 her with no weapon found, or if there was no weapon,

21 why would she be hand cuffed?

22 A It's a form that we were taught to use as a form of

23 detention in order to keep somebody detained in one

24 place and to keep both themselves and the officers and

25 the public in general safe.

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1           you deal with others as well. Correct me if I'm wrong.  
2   A       I just -- I don't understand the question. You keep  
3           referring -- the questions are hypothetical in nature  
4           and then when I answer you you're telling me that it's  
5           specifically what happened to Ms. Mitchell. And I  
6           don't.....

7   Q       Well, what's your training? You testified reasonable  
8           suspicion, detain, take them into custody. Is that the  
9           chronology of events?

10                   MS. JOHNSON: Objection, misstates the  
11   testimony. Form.

12   Q       Is that the chronology of events that you have just  
13           testified to today?

14   A       I don't.....

15   Q       Okay. What is your -- you've already given us a  
16           definition of reasonable suspicion. So what happens  
17           after reasonable suspicion?

18   A       What I just described. She was detained by hand cuffs  
19           being placed on her.

20   Q       Okay.

21   A       We held her in custody and we -- for furtherance of the  
22           investigation for -- I don't remember exactly how long  
23           it was but in order that we could -- so that we could  
24           further the investigation by performing a show up.

25   Q       Okay. So that's what I was asking you. What you just

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1 testified to, that is what you were trained to believe  
2 is correct, is that right?

3 A Well, I.....

4 Q Or were you doing something that you were not trained  
5 to do?

6 MS. JOHNSON: Objection, foundation. Form and  
7 argumentative.

8 Q Okay. Were you trained to do what you just said the  
9 chronology was, or were you just doing it for the heck  
10 of it?

11 A The events I just described.....

12 Q Yes.

13 A .....were consistent with my training.

14 Q Okay. Thank you. That's what I was asking. Okay. So  
15 a person is hand cuffed, and were you trained as to  
16 what you do with a hand cuffed person?

17 A Yes.

18 Q Okay. What was the training that you received about  
19 what you do with the hand cuffed person?

20 A Again, are we talking hypothetically about anybody  
21 that's hand cuffed or.....

22 Q Well, we'll speak about Ms. Mitchell. What were you to  
23 do with her?

24 A I didn't continue the contact with Ms. Mitchell.  
25 Officer Henikman did.

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1 was possible.

2 Q And so big deal, right?

3 MS. JOHNSON: Objection to.....

4 Q That's all right?

5 MS. JOHNSON: .....form.

6 Q Is that -- is that what you're saying, it's perfectly  
7 fine to have her be isolated and hand cuffed in front  
8 of the public when you have not had any probable cause  
9 to arrest her?

10 MS. JOHNSON: Same objection.

11 A I would say that procedurally speaking there is nothing  
12 wrong with that.

13 Q Nothing wrong with that. Okay.

14 A Procedurally speaking, no.

15 Q Okay. This is your training again?

16 A Correct.

17 Q Do you have any history, background, did you ever take  
18 any courses in history?

19 A I had some history in high school.

20 Q Remember in Nazi Germany that's what they used to do,  
21 the same thing. And they thought it was fine.  
22 Remember that training?

23 MS. JOHNSON: Objection, form.

24 A No.

25 Q Just detain people, cuff them, put them out there for

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1 people to watch them cuffed and you don't see any  
2 problem?

3 MS. JOHNSON: Objection, form, relevance.

4 Q Is that right?

5 MS. JOHNSON: Argumentative.

6 A Are you asking if my intent was to put her on public  
7 display in hand cuffs?

8 Q My question is did you -- could you care less whether  
9 you did?

10 MS. JOHNSON: Objection, argumentative.....

11 A I didn't say that either.

12 MS. JOHNSON: .....form.

13 Q I mean based on your testimony, Officer, is it fair to  
14 say that in your mind, once you have reasonable  
15 suspicion, that you're going to detain them, you're  
16 going to cuff them and you're going to keep them out in  
17 front of God and everybody for observation, and it  
18 doesn't.....

19 MS. JOHNSON: Same objection.

20 Q .....you at all?

21 MS. JOHNSON: Same objection.

22 A I didn't say that either.

23 MS. JOHNSON: Objection to.....

24 Q What part didn't you say?

25 MS. JOHNSON: The feelings of the officer are

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1 not at issue.

2 MR. ZOREA: Okay. You -- you can object.

3 But.....

4 MS. JOHNSON: Keep to the facts, counsel.

5 Q What part of that chronology of events is wrong in your  
6 mind?

7 A That you -- you're implying that I don't care how Ms.  
8 Mitchell feels. I think that's what you're implying  
9 and I think that that's incorrect. I think that it  
10 would be more to my -- speaking more to my character to  
11 say that I just told you that she was placed in a place  
12 where it would be -- it lends more to her credit, or to  
13 her benefit that people would be less likely to  
14 identify her as being the suspect. I can imagine how  
15 she would be much more so than she already is,  
16 emotionally distraught, or if you're saying she's  
17 emotionally distraught, it would be much more so if she  
18 had gotten out of a police car with red and blue  
19 flashing lights and several officers standing around  
20 and that person -- that witness to the crime said oh,  
21 that must be her. And imagine if she had been taken  
22 into custody by federal -- by the Federal Bureau of  
23 Investigation, taken down to their building while in  
24 custody, spent hours upon hours, because that's how  
25 long investigation when somebody is taken into custody

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1 and arrested takes, and then remanded to a federal  
2 penitentiary where she awaited trail for six months to  
3 four years or however long it takes.....

4 Q Well.....

5 A .....that would be much more emotionally traumatic.

6 Q Yeah. But.....

7 A So it speaks to my credit -- can I finish, please?

8 Q Yeah.

9 A Thank you. It speaks to my credit that we did the best  
10 thing that we could for her at that time.

11 Q Did it occur to you that she could sit in the vehicle  
12 until the show up came and then she could get out  
13 briefly without the flashing lights on and the person  
14 would be able to say yea or nay about her?

15 A I don't know if that thought ever crossed my mind or  
16 not. But again, I would like to reiterate that Officer  
17 Henikman had her in custody, I did not.

18 Q Okay. Now you've testified about that before. At what  
19 point did you part ways with Officer Henikman?

20 A We were together at the same place but he took custody  
21 and continued the contact with her while I stayed with  
22 my attention more focused on the doors where people  
23 were still exiting, to watch for other possible  
24 suspects. And that was kind of our -- our attention at  
25 that point was I would say fairly divided. And I

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1 stayed there to act as a cover officer while he  
2 basically a cover officer to make sure that the area  
3 is, like I described, as being operationally safe for  
4 the other officer to do his work -- while Officer  
5 Henikman was doing that work. I believe I was there  
6 until after the show up was performed and Ms. Mitchell  
7 was released and I then went into the bank itself to do  
8 uniform investigation.

9 Q Do you -- and I understand you have lots of cases that  
10 you work on, but do you ever follow up to see what  
11 happened in a case like that.....

12 MS. JOHNSON: A case like what?

13 Q .....as far as.....

14 MS. JOHNSON: Objection, foundation.

15 Q .....a bank robbery case as to whether your fellow  
16 officers arrested the person who was suspected of  
17 robbing the bank?

18 A Are you asking if I do the follow up myself or if  
19 I.....

20 Q Out of curiosity or whatever. I mean here you were and  
21 all this happened. Did you wonder what happened about  
22 the suspect? Did they catch a person?

23 A Sure. We -- I'm actually relatively certain that we  
24 arrested somebody -- I think it was at Third and Eagle,  
25 or somewhere around there. Somewhere in the kind of

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1 northern Fairview area. I think it was later in that  
2 shift actually we arrested him.

3 Q The actual person?

4 A I believe so.

5 Q Would you be surprised, Officer, that when they walked  
6 up to that actual person, identified him, all the marks  
7 of identify with what had been told by the teller, that  
8 they did not detain, cuff, take into custody that  
9 person?

10 A Would I be surprised if that happened?

11 Q Yeah.

12 A No.

13 Q Would you say that the difference was the relative  
14 years and grade of the officers that made the  
15 difference, or what?

16 A I would say that the -- you know, and again I can't  
17 speak to their minds and intent, but to me it would say  
18 that the relative distance was the time lapse from the  
19 occurrence of the crime and the distance from the  
20 occurrence of the crime.

21 Q So that would cause them not to detain them, but  
22 instead to actually find out whether they were a  
23 suspect by asking questions and then going forward,  
24 making the determination?

25 MS. JOHNSON: Objection, form, foundation.

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- 1 Q Is that -- is that what the difference would be?
- 2 A I don't know what they did.
- 3 Q Okay.
- 4 A If that's what you're asking I don't know what they
- 5 did.
- 6 Q But you wouldn't be surprised that they might have
- 7 actually caught the person who was the perpetrator but
- 8 didn't go through your procedure of detain, take into
- 9 custody, cuff?
- 10 A It wouldn't surprise me that they did something
- 11 different than Office Henikman and I did.
- 12 Q Now that you've had a couple of years more training as
- 13 an officer, do you have any second thoughts about what
- 14 your behavior was in May of 2004?
- 15 A Reference to this incident?
- 16 Q Yes.
- 17 A Absolutely not.
- 18 Q Okay. So you still believe, and you haven't had
- 19 anything change your thinking that what you did was
- 20 correct?
- 21 A I -- can you repeat your question? I'm sorry.
- 22 Q Do you still believe -- you're saying that you believe
- 23 that all your actions were correct?
- 24 A I believe that the actions that I took were almost
- 25 completely perfect textbook police procedure.

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- 1 Q And the textbook, is this the one prepared by the  
2 Municipality of Anchorage for the Anchorage Police  
3 Academy?
- 4 A I'm sorry, I'm not referring to a specific textbook.  
5 I'm using that as a term of reference. I believe that  
6 it was absolutely perfectly.....
- 7 Q By the book?
- 8 A So to speak, by the book.
- 9 Q Okay. After this incident at any time did anyone in  
10 your chain of command, or Chief Monegan himself, speak  
11 to you concerning the incident involving Ms. Mitchell?
- 12 A Are you asking me in.....
- 13 Q Did they question you about your behavior on that day  
14 in May 2004?
- 15 A I remember -- well, I can't remember specifically. I  
16 think that I probably talked to the sergeant about it.  
17 I remember when I heard that there was going to be a  
18 lawsuit filed that we kind of spoke about it briefly.  
19 But I haven't been disciplined or -- if you're asking  
20 if I've been disciplined, I haven't been disciplined if  
21 that what you're asking.
- 22 Q Were -- were you spoken to in a way maybe fine tuning  
23 your officer authorial (sic) skills as to how you would  
24 conduct yourself in similar circumstances in the  
25 future?

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